

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DAVID SPIGNER,

Plaintiff,

v.

Case No. 2:23-cv-2221

JUDGE EDMUND A. SARGUS, JR.

Magistrate Judge Stephanie K. Bowman

DEDE, *et al.*,

Defendants.

ORDER

This matter is before the Court on the April 22, 2024, Report and Recommendation issued by the Magistrate Judge. (ECF No. 12.) On January 19, 2024, the Magistrate Judge conducted an initial screen of Plaintiff's Complaint, as she must under 28 U.S.C. § 1915(e)(2), and recommended that Plaintiff be allowed to proceed with certain claims. (ECF No. 6.) On both January 30 and March 7, 2024, the Court's Orders and Report and Recommendation were returned to the Court with a notation that Plaintiff had been released from prison. (ECF Nos. 8, 9.)

The Court entered a Show Cause Order directing plaintiff to respond as to why the case should not be dismissed for lack of prosecution. (ECF No. 10.) As with the Court's prior mailings, the Show Cause Order was returned to the Court as undeliverable because Plaintiff had been released. (ECF No. 11.) The Magistrate Judge then issued a Report and Recommendation recommending dismissal of Plaintiff's claims for failing to prosecute this action and keep the Court apprised of his mailing address. (ECF No. 12.)

Plaintiff was advised of his right to object to the Order and Report and Recommendation and of the consequences of failing to do so (*id.* at PageID # 77–78), but did not file a timely objection.

The Court **ADOPTS** and **AFFIRMS** the April 22, 2024 Report and Recommendation. (ECF No. 12.) Plaintiff's claims are **DISMISSED with prejudice** for failure to prosecute. The Clerk is **DIRECTED** to terminate the January 19, 2024 Report and Recommendation (ECF No. 6), terminate this case, and enter judgment.

IT IS SO ORDERED.

5/15/2024
DATE

s/Edmund A. Sargus, Jr.
EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE